



# RCRA Brownfields Prevention Initiative: Lessons Learned from Pilots

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Outreach and Special Projects Staff (5105)

Quick Reference Fact Sheet

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U.S. Environmental Protection Agency's (EPA's) Brownfields Economic Redevelopment Initiative is designed to empower states, communities, and other stakeholders in economic redevelopment to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields. A brownfield is a site, or portion thereof, that has actual or perceived contamination and an active potential for redevelopment or reuse.

The Resource Conservation and Recovery Act (RCRA) Brownfields Prevention Initiative is a U.S. Environmental Protection Agency effort designed to use opportunities for statutory and regulatory flexibility in the RCRA cleanup program to accelerate site cleanup, facilitate dialogue, and integrate reuse and redevelopment issues, as appropriate, into cleanup decisions. In the longer term, it is EPA's goal that this initiative will help accelerate cleanups at brownfields sites, thus enabling the creation of new jobs, businesses, and green space for communities. RCRA Brownfields Prevention pilots are cleanup projects that showcase innovative approaches that integrate the use of RCRA reforms and Brownfields tools to expedite the cleanup, redevelopment, and reuse of RCRA properties.

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## BACKGROUND

The EPA launched the RCRA Brownfields Prevention Initiative in June 1998. The initiative responds to concerns raised by cities, industries, and communities who have recently begun emphasizing the importance to look beyond Superfund to address issues at brownfields in a more comprehensive manner. Three initial goals of the initiative were to raise stakeholder awareness, identify any RCRA barriers to redevelopment, and try new approaches raised by pilot partners. EPA is hopeful that longer-term benefits of this initiative will be new jobs, new businesses, and more green space for communities. The initiative is designed to improve how federal and state governments implement the RCRA programs and work with stakeholders regarding property reuse to yield more effective results for communities and the environment.

In March 2000, EPA announced four pilot projects intended to provide case studies of techniques, tools, and strategies that integrate future land use considerations into RCRA cleanup decisions, thereby encouraging brownfields redevelopment at sites subject to RCRA.

The four selected pilots are:

- **CBS/Viacom in Bridgeport, Connecticut:** A former electrical wiring manufacturing site that operated from 1888 to 1998, with soil and groundwater contamination. Assessment and remediation are continuing at the site. Pilot goals are to resolve differences between the Connecticut Property Transfer Act and RCRA corrective action requirements, develop a public communication fact sheet, and form a pilot project stakeholder team to address reuse issues at the site. To date, state and federal cleanup requirements have been integrated, a local community-wide fact sheet has been distributed, and remediation activity and redevelopment planning is proceeding. Also, Viacom and the City of Bridgeport signed an agreement under which Viacom agreed to complete its cleanup obligations under RCRA and the Connecticut Property Transfer Act. As a result, Prime Resources, a developer, has been provided "comfort" and is working with Viacom to complete the purchase of the site. The future plan is to develop a light manufacturing facility.

- **Bethlehem Steel Corporation in Lackawanna, New York:** A former major integrated steel mill, a manufacturing portion of which is still operating, includes two parcels (102 acres and 500 acres) with good redevelopment potential that are covered by a RCRA Facility Investigation (RFI) order. The primary pilot goal is to release the 102-acre parcel from the order and move it into the state voluntary cleanup program. Experience gained may be applied to the cleanup and redevelopment of the second parcel. Broadened stakeholder involvement and public outreach have been integral to the process. EPA has released the 102-acre parcel from the RFI order and will turn over cleanup of the entire site to the New York Department of Environmental Conservation (NYDEC). The future plan is to build a light industrial park.
- **PECO-Energy in Chester, Pennsylvania:** A former utility site that contains a 17-acre portion that was leased for hazardous waste recycling and is under a RCRA consent order. The primary pilot goal is to integrate RCRA corrective action with the Pennsylvania Land Recycling and Reclamation Act (Act 2) requirements in order to eliminate duplication, expedite redevelopment, and revitalize an Environmental Justice community. The regulatory integration process continues along with the ongoing cleanup. A property developer has purchased a major portion of the site and plans to renovate an old power plant building into commercial office space.
- **Blue Valley Redevelopment in Kansas City, Missouri:** A multi-facility industrial area in the Blue River flood plain that contains RCRA facilities such as wood treaters and scrap recyclers. The primary goal is to meld RCRA issues into an existing interagency redevelopment effort by consolidating RCRA, geographical information system (GIS), and other environmental data into the city's "Redevelopment Opportunity Portfolio" for the area. A secondary goal is to test the use of clean dredged material as fill on RCRA facilities. The collected environmental and GIS information have been included in the city's "Redevelopment Opportunity Portfolio." However, it was also decided to use the collected information as part of an area-wide background study that will be used as a baseline comparison of contaminants in site-specific investigations. The background study is about to begin pending the approval of the Missouri Department of Natural Resources. Also, the reuse of the dredged materials is awaiting the approval of the

City of Kansas, Missouri. The future plans are to place new industrial facilities on old industrial properties and to revitalize the area.

## ACCOMPLISHMENTS

In just one year, the four pilots already have yielded results and innovations that can be readily transferred to other sites. Overall, the four pilots demonstrated that frequent communication among all levels of government and facility owners/operators, combined with the RCRA corrective action reform emphasis on "results over process," can speed cleanup, which will in turn, enhance the opportunity for redevelopment. The pilots provided a forum for diverse stakeholder interests to start communicating while focusing on cleanup and process improvement. As a consequence, issues and problems became clearer and possible solutions more readily identified.

Site assessment and cleanup activities are well underway, as are redevelopment plans, at all four pilot sites. The pilots also have created generally cohesive teams with positive working relationships that bode well for further progress on cleanup and reuse.

## LESSONS LEARNED FROM THE PILOTS

There are several lessons learned from the pilots that may have implications for the RCRA program.

### *Better Integrate Brownfields Redevelopment Opportunities into RCRA Corrective Action Programs, as Appropriate.*

Regional and state personnel are more empowered to accommodate redevelopment, but need more awareness of the flexibility that existing Brownfields and RCRA tools can provide to satisfy the site-specific needs of stakeholders. Similarly, these personnel need a better understanding of the particular issues that developers have and how to address those issues through federal and state programs to help address issues posed at idled RCRA properties.

### *Encourage High-Quality Owner/Operator-Initiated RCRA Investigations and Cleanups.*

The owners/operators of all four pilot sites pro-actively participated in a variety of activities depending on the circumstances at their individual sites. The ability of EPA and the state to act on these owner/operator initiated efforts eliminated years of procedural time.

Efforts to involve the public were enhanced by the stakeholder process as well as the pilot teams' focus on public communication.

***Forge Cooperative Relationships between EPA and the States.***

All of the pilots in effect created “one stop shopping” for the community, the owner/operator, and the redeveloper because state and federal cleanup issues were resolved in a more holistic manner. For example, EPA and the State of Connecticut, a state not authorized for RCRA corrective action, coordinated program requirements and work assignments smoothly. Also, EPA's partnership with Pennsylvania's Voluntary Program has enabled PECO to use one administrative process to satisfy both state and federal corrective action goals, saving valuable resources.

***Be Receptive to “Carving Out” Portions of RCRA Permitted or Interim Facilities, where Appropriate.***

Local officials are concerned about pursuing potential redevelopment opportunities where the property at issue is, or potentially will be, subject to RCRA corrective action. Specifically, local officials are concerned that the potential liability might be conveyed with title to the property. EPA should address how sites can be deleted or carved out from potential RCRA cleanup liability status and make available examples of successful approaches.

***Encourage States to Allow Appropriate Use of Voluntary Cleanup Programs (VCPs) for Specific RCRA Sites.***

Some states, either by statute or policy, consider RCRA sites to be ineligible for entry into their VCPs. States whose VCP meets or exceeds the substantive requirements of the federal RCRA program for cleanup and public participation might offer an expeditious complement to their authorized corrective action programs.

***Encourage New Thinking by, and a Willingness to Engage with, the Regulated Community on Ways to Integrate Reuse into the Corrective Action Process.***

Government and private parties should focus on the goal of getting properties into productive use. At one pilot, a fresh approach resulted in noteworthy and very positive shifts in attitude. At all four pilots, the newly opened

lines of communication enhanced the working relationships between regulators and industry representatives, which fostered innovative strategies to meet regulatory obligations while achieving environmental and economic success.

**ADDITIONAL INITIATIVE COMPONENTS**

In addition to the pilots, the RCRA Brownfields Prevention Initiative includes targeted site efforts, training and outreach, and streamlining and clarifying the cleanup and reuse process.

Targeted Site Efforts (TSE) are designed to showcase Brownfields and RCRA reforms at up to 20 sites. The goal is to “jump-start” activity at a facility to move it closer to cleanup and redevelopment. Sites with redevelopment potential will be identified in each EPA Region, and a small amount of EPA mission contractor support will be provided for short-term activities directed to overcoming barriers to cleanup and redevelopment.

The Training and Outreach component of the initiative will focus on workshops in each EPA Region. The purposes of the workshops are to: 1) educate RCRA staff about brownfields tools that can help expedite cleanup and redevelopment; 2) educate brownfields staff about the special needs and opportunities of RCRA sites; and 3) promote interaction with stakeholders outside of EPA to incorporate their ideas and address their concerns.

RCRA Corrective Action Reforms are a comprehensive effort to address the key impediments to cleanups, maximize program flexibility, and spur progress towards a set of ambitious national cleanup goals. The RCRA Brownfields Prevention Initiative enhances implementation of the RCRA reforms by clarifying the role of reuse in the cleanup process and streamlining cleanup approaches.

**FOR MORE INFORMATION**

For more information on EPA's Corrective Action Reforms, please visit the RCRA corrective action web site at <http://www.epa.gov/correctiveaction>. For more information about the RCRA Brownfields Initiative pilots and other brownfields program initiatives please visit the brownfields program web site at <http://www.epa.gov/brownfields>.